

HOUSE BILL 413
By Bowers

AN ACT to enact the "Genetic Information Nondiscrimination in Health Insurance Act of 1997" relative to insurance coverage.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Genetic Information Nondiscrimination in Health Insurance Act of 1997".

SECTION 2.

(a) An insurance provider may not deny or cancel health insurance coverage, or vary the premiums, terms, or conditions for health insurance coverage, for an individual or a family member of an individual:

(1) On the basis of genetic information; or

(2) On the basis that the individual or family member of an individual has requested or received genetic services.

(b)(1) An insurance provider may not request or require an individual to whom the provider provides health insurance coverage, or an individual who desires the provider to provide health insurance coverage, to disclose to the provider genetic information about the individual or family member of the individual.

(2) An insurance provider may not disclose genetic information about an individual without the prior written authorization of the individual or legal representative

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of the individual. Such authorization is required for each disclosure and shall include an identification of the person to whom the disclosure would be made.

(c)(1) The commissioner of commerce and insurance shall enforce the requirements of this section, but the commissioner has no jurisdiction over employee health benefit plans covered by the federal Employee Retirement Income Security Act of 1974.

(2) A person may bring a civil action:

(A) To enjoin any act or practice which violates subsection (a) or (b);

(B) To obtain other appropriate equitable relief:

(i) to redress such violations, or

(ii) to enforce any such subsections; or

(C) To obtain other legal relief, including monetary damages.

(4) The circuit and chancery courts have concurrent jurisdiction for an action under this act.

(5) The commissioner may promulgate such regulations as may be necessary or appropriate to carry out this section in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

(d) For the purposes of this act unless the context requires otherwise:

(1) "Commissioner" means the commissioner of commerce and insurance.

(2) "Family member" means, with respect to an individual, another individual related by blood to that individual.

(3) "Genetic information" means information about genes, gene products, or inherited characteristics.

(4) "Genetic services" means health services to obtain, assess, and interpret genetic information for diagnostic and therapeutic purposes, and for genetic education and counseling.

(5) "Health insurance coverage" means a contractual arrangement for the provision of a payment for health care, including:

(A) A group health plan; and

(B) Any other health insurance arrangement, including any arrangement consisting of a hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health maintenance organization subscriber contract.

(6) "Insurance provider" means an insurer or other entity providing health insurance coverage.

(7) "Person" includes corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals.

SECTION 3. This act shall take effect July 1, 1997, and shall apply to health insurance coverage offered or renewed on or after July 1, 1997.